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HOUSE BILL 771

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO PROPERTY; CHANGING THE RIGHTS AND RESPONSIBILITIES
OF OWNERS AND RESIDENTS; PROVIDING PROCEDURES FOR HANDLING
SECURITY DEPOSITS AND PERSONAL PROPERTY OF A DECEASED RESIDENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Uniform Owner-Resident
Relations Act is enacted to read:

"[NEW MATERIAL] PERSONAL PROPERTY AND SECURITY DEPOSIT OF
DECEASED RESIDENT--CONTACT PERSON.--

A. As used in this section, "contact person" means
the person designated by a resident in writing as the person to
contact and release property to in the event of the resident's
death.

B. The owner may request in writing, including by a
requirement in the rental agreement, that the resident:

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1 (1) provide the owner with the name, address
2 and telephone number of a contact person; and

3 (2) sign a statement authorizing the owner in
4 the event of the resident's death to:

5 (a) grant the contact person access to
6 the dwelling unit at a reasonable time and in the presence of
7 the owner or the owner's agent;

8 (b) allow the contact person to remove
9 the resident's property from the dwelling unit; and

10 (c) refund the resident's security
11 deposit, less lawful deductions, to the contact person.

12 C. A resident may, without request from the owner,
13 provide the owner with the name, address and telephone number
14 of a contact person.

15 D. Except as provided in Subsection E of this
16 section, in the event of the death of a resident who is the
17 sole occupant of a rental dwelling, the owner:

18 (1) shall turn over possession of property in
19 the dwelling unit to the contact person or to any other person
20 lawfully entitled to the property if the request is made prior
21 to the property being discarded pursuant to Paragraph (5) of
22 this subsection;

23 (2) shall refund the resident's security
24 deposit, less lawful deductions, including the cost of removing
25 and storing the property, to the contact person or to any other

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1 person lawfully entitled to the refund;

2 (3) may remove and store all property found in
3 the dwelling unit;

4 (4) may require any person who removes
5 property from the resident's dwelling unit to sign an inventory
6 of the property being removed; and

7 (5) may discard property removed by the owner
8 from the resident's dwelling unit if:

9 (a) the owner has mailed a written
10 request by certified mail, return receipt requested, to the
11 contact person, requesting that the property be removed;

12 (b) the contact person failed to remove
13 the property within thirty days after the request is mailed;
14 and

15 (c) the owner, prior to the date of
16 discarding the property, has not been contacted by anyone
17 claiming the property.

18 E. An owner and a resident may agree to a procedure
19 different than the procedure in this section for removing,
20 storing or disposing of property in the dwelling unit of a
21 deceased resident in a written rental agreement or other
22 agreement.

23 F. If, after a written request by an owner, a
24 resident does not provide the owner with the name, address and
25 telephone number of a contact person, the owner shall have no

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1 responsibility after the resident's death for removal, storage,
2 disappearance, damage or disposition of property in the
3 resident's dwelling.

4 G. An owner who violates Subsection D of this
5 section shall be liable to the estate of the deceased resident
6 for actual damages."

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